

### REMARKS

Applicant has studied the Office Action dated May 18, 2005 and has amended the claims. It is submitted that the application, as amended, is in condition for allowance. Claims 5-9, 16-20 and 27-31 are pending. Claims 5, 8, 16, 19, 27, and 30 have been amended and new claim 34 has been added. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

#### Rejection Under 35 U.S.C. § 102(e)

The Examiner rejected claims 5-9, 16-20 and 27-31 under 35 U.S.C. § 102(e) as being anticipated by Serbinis et al (U.S. Patent No. 6,314,425). The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Serbinis.<sup>1</sup>

With regards to independent claims 5, 16 and 27, the Applicant has amended these claims to more clearly describe that "the nonce value comprises a token that is only accepted for a specified number of request." Support for these amendments is found in the specification at, for example, page 5, lines 7-13. Dependent claims 8, 19 and 30 have been similarly amended to preserve antecedent basis. No new matter has been added by these amendments.

The Applicant asserts that the Serbinis reference fails to teach the amended claimed limitations of:

accepting a request for a data item, wherein the request contains a nonce value, wherein the nonce value comprises a token that is only accepted for a specified number of requests;  
determining that the nonce value is valid and has been accepted  
for fewer than the specified number of requests; and

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<sup>1</sup> See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

responding to the request by returning the data item in response to the determining that the nonce value is valid and accepted for fewer than the specified number of requests.

The Applicant asserts that the tokens of the Serbinis reference are taught as having an expiration date and that any number of requests that present that token prior to the expiration date will be validated. The Serbinis reference has no teaching or suggestion of limiting the successful use of a nonce to only a specified number of requests. As set forth in the independent claims, the operation of the presently claimed invention does not restrict the time period in which the nonce can be used, only the number of times that the nonce can be used. The operation of the presently claimed invention provides flexibility in systems incorporating the nonce of the present invention since the user is free to use the nonce, and thereby receive the requested data, for the specified number of times over any time interval desired. This operation further provides additional functionality to the operator of the data server, since the number of data items provided to users is set, not simply the time span over which that data can be retrieved. In the system of Serbinis, a user is free to request a data item as often as the user desires prior to expiration of the token.

The Examiner further cites a portion of the Serbinis reference that discusses the retrying of notification transmissions upon failure of a notification transmission. Office Action dated May 18, 2005, page 2, last paragraph, and page 3, first two paragraphs (citing Serbinis, Col. 20, lines 16-25). The Applicant asserts that this portion of the Serbinis reference is not relevant to the presently claimed invention. This portion of Serbinis discusses sending "notifications," which are described as being sent in response to various user events, such as when a user registers for the service or when a new document is uploaded to the system. Serbinis, Col. 19, lines 33-43. The cited portion of Serbinis describes ensuring that the retries of these notifications do not exceed a predetermined limit. Serbinis, Col. 20, lines 16-25. The Applicant asserts that limiting the retransmissions of notifications, as taught by Serbinis, is not relevant to the subject matter of the presently claimed invention, which limits the number of

requests for which a nonce value is used to access data on a computer to be less than a specified number.

With regards to claims 9, 20 and 31, the Applicant traverses the Examiner's assertion that the Serbinis reference teaches that "the list of stored and valid nonce values is shared with an entity that originated the data request." Office Action dated May 18, 2005, page 3, last paragraph. The cited portions of the Serbinis reference do not teach sharing tokens, but only generating and validating them. Serbinis, Abstract. Serbinis does teach proving tokens to users as part of a notification of an event. Serbinis, Col. 21, lines 27-29. Although individual tokens are shared by the Serbinis reference, the Serbinis reference does not teach or suggest sharing "the list of stored and valid nonce values" as is set forth in claims 9, 20, and 31. In the context of these claims, this "list of stored and valid nonce values" is defined in preceding claims from which these claims depend as the list to which the nonce value is compared to determine its validity. See, Claims 8, 19 and 31. The Applicant asserts that this "list of stored and valid nonce values" is clearly the entire list of currently stored and valid nonce values. The Applicant further asserts that Serbinis does not teach or suggest sharing this "list" with any entity, let alone the "entity that originated the data request".

Additionally, the Applicant notes that dependent claims 6-9, 17-20 and 28-31 depend from independent claims 5, 16, and 27, respectively. As discussed above, amended independent claims 5, 16 and 27 distinguish over the Serbinis reference. Since dependent claims include all of the limitations of the independent claims from which they depend, Applicant further asserts that amended dependent claims 6-9, 17-20 and 28-31 also distinguish over the Serbinis reference as well. Therefore, the Applicant respectfully asserts that the Examiner's rejection under 35 U.S.C. §102(e) over Serbinis should be withdrawn.

#### New Claims

The Applicant has added new claim 34 to specify an aspect of the present invention that "wherein the nonce value is only accepted one time, and wherein the responding to

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the request is performed in response to the nonce value having not been previously accepted." Support for this amendment is found in the specification at, for example, page 5, lines 7-13 and page 6, lines 23-27. No new matter has been added by this amendment.

### **CONCLUSION**

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and his attorney.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Advisory Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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